



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Special Exception - Non-Conforming Structure Norman Larson/Map 137, Lot 29

August 3, 2011

**Applicant: Norman Larson
58 Vonhurst Road
Moultonborough, NH 03254**

Location: 58 Vonhurst Road, Moultonborough, NH (Tax Map 137, Lot 29)

On July 20, 2011 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Norman Larson (hereinafter referred to as the "Applicant" and/or "Owner") for an application for Special Exception under Article VII (B)(3) to allow for expansion of a non-conforming primary building into the existing setback for the property located in the Residential Agricultural (RA) Zoning District at 58 Vonhurst Road.

Based on the application, testimony given at the hearing, and supporting documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 58 Vonhurst Road (Tax Map 137, Lot 29)
- 2) The applicant is the owner of record for the lot.
- 3) The lot is located in the Residential Agricultural (RA) Zoning District.
- 4) No members of the public wished to speak during the Public Hearing.
- 5) The existing structure, a single-family residential unit, is the primary structure on the lot, and extends into the lake setback as a pre-existing, nonconforming primary structure.
- 6) The applicant is proposing additions to the existing structure within the fifty foot (50') foot lake setback on the lot.
- 7) This is the first such Special Exception Application for the subject property.
- 8) The footprint of that portion of the new structure extending into the lake setback will be approximately 450 sq.ft.
- 9) The footprint of that portion of the existing structure within the lake setback is approximately 689 sq.ft.

- 10) The proposed new structure will not encroach further into the lake setback than the original structure.
- 11) The proposed expansion will not intrude further into any setback area than does the existing structure.
- 12) The proposed additions will not exceed the height limitation of 32' allowed by the ordinance.
- 13) The proposed expansion will not have an adverse impact on the view, light or air of any abutter.
- 14) The proposed expansion will not cause property values to deteriorate.
- 15) The proposed expansion will not impede the existing rights of access or egress.
- 16) The new portion of the proposed expansion which will intrude into the lake setback will not exceed the sq.ft. amount of intrusion that is present in the existing structure.
- 17) The non-conforming primary structure is not a commercial use.
- 18) Granting of this Special Exception will not result in the violation of any setbacks not already affected.
- 19) The application meets all of the requirements for a Special Exception under Article VII B(3).
- 20) The Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Nolin, Heal, Zewski, Crowe), and none (0) opposed to continue the Public Hearing to August 3, 2011, and to direct staff to draft a Notice of Decision to Grant the Special Exception, to be reviewed by the Board at the August 3, 2011 Regular Meeting.

The Board of Adjustment continued the Public Hearing to August 3, 2011. The Board of Adjustment closed the public portion of the hearing on July 20, 2011. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of five (5) in favor (Stephens, Hopkins, Nolin, Zewski, Crowe), none (0) opposed, to **GRANT** the request for Special Exception.

This decision shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

Robert H. Stephens
Chairman, Zoning Board of Adjustment

Date _____